

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MEMPHIS BASKETBALL, LLC,

Petitioner,

vs.

MISC. NO. 2:23-mc-00028

**SETON HALL UNIVERSITY, KEVIN
WILLARD, TONY TESTA, DEJA CRAIG,
JOHN OR JANE DOES 1-10,**

Respondents.

CONSENT ORDER OF DISMISSAL

Before the Court is Petitioner, Memphis Basketball, LLC’s (“Memphis Basketball”), Petition to Quash or Modify Respondents’ Subpoena Duces Tecum (ECF No. 1), Respondents Cross-Petition to Compel Compliance with Respondents’ Subpoena (ECF No. 8), and Respondents’ Motion to Transfer Petition to Quash (ECF No. 14).

On July 14, 2021, Myles Powell filed suit against Seton Hall University, Kevin Willard, and Tony Testa (collectively the “Respondents”) in the Superior Court of New Jersey, Essex County Civil Division (the “Underlying Case”). The Underlying Case was removed by Respondents to the United States District Court for the District of New Jersey, where it was assigned as Case No. 2:21-cv-13709- WJM-JSA.

On July 13, 2024, Respondents served Memphis Basketball with a subpoena duces tecum (the “Subpoena”) from the Underlying Case. Pursuant to Fed. R. Civ. P. 45, Memphis Basketball moved to quash the Subpoena. In response, Respondents moved to transfer the Petition to Quash

to the United States District Court for the District of New Jersey, or alternatively, compel Memphis Basketball's compliance with the Subpoena.

By agreement of the parties, Memphis Basketball will produce certain redacted documents, which have been reviewed and agreed to by Respondents. Accordingly, by consent, Memphis Basketball has complied with the Subpoena and Memphis Basketball's Petition to Quash or Modify Respondents' Subpoena Duces Tecum (ECF No. 1), Respondents Cross-Petition to Compel Compliance with Respondents' Subpoena (ECF No. 8), and Respondents' Motion to Transfer Petition to Quash (ECF No. 14) are all moot and **DISMISSED**.

IT IS SO ORDERED, this _____ day of September, 2023.

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED BY:

/s/ Richard Glassman
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